

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 26, 2004**

CIVIL OSCAR S. BUGARINI et al.
No. v.
G031933 SALOMON SMITH BARNEY, INC. et al.

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

O'Leary, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

CIVIL JOHN GROOM
No. v.
G031960 JOHN FRITCH et al.

Order filed. The petition for rehearing is denied.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

CIVIL PATRICK J. SCHACHLE
No. v.
G032194 MERRILL LYNCH, PIERCE, FENNER &
 SMITH et al.

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

O'Leary, Acting P.J.

We concur: Aronson, J.
 Ikola, J,

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 26, 2004 (Cont'd)**

CRIM
No.
G032470

THE PEOPLE
v.
MARIO SOLIS

Not for publication

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
Bedsworth, J.

CIVIL
No.
G033499

WILLIAM SMITH et al.
v.
ALLSTATE INSURANCE COMPANY et al.

Order filed. Upon written stipulation filed by the parties to the appeal, the appeal is dismissed. Each party shall bear their own costs on appeal. The clerk of this court is directed to issue the remittitur forthwith.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 27, 2004**

CRIM THE PEOPLE
No v.
G032947 TIMOTHY MICHAEL KENNAN

Order filed. Order modifying opinion and denying petition for rehearing; no change in judgment.

Sills, P.J.

We concur: Rylaarsdam, J.
 O’Leary, J.

CRIM THE PEOPLE
No. v.
G031102 JUAN ANTONIO SAGASTUME

Order filed. The petition for rehearing is denied. Contentions raised in passing without development, record references, and citation to authority are waived.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 O’Leary, J.

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033836 v.
 JAVIER R.

Order filed. Counsel for appellant Javier R. has filed a letter stating no arguable issues could be found and has so notified him. Javier R. was granted 30 days to present any issue he believed was arguable by filing a supplemental brief, but he did not do so. Accordingly, the appeal is dismissed.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 27, 2004 (Cont'd)**

CIVIL ORANGE COUNTY SOCIAL
No. SERVICES AGENCY
G033624 v.
 DAVID K. et al.

Order filed. Counsel for appellant David K. has filed a letter stating no arguable issues could be found and has so notified him. David K. was granted 30 days to present any issue he believed was arguable by filing a supplemental brief, but he did not do so. Accordingly, the appeal is dismissed as to appellant David K. only. The appeal shall remain in full force and effect as to the remaining party.

Sills, P.J.

CIVIL ARTHUR MASAOKA et al.,
No. v.
G031743 SIDNEY GREENBAUM et al.

Not for publication

Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Sills, P.J.
 Aronson, J.

CIVIL JOSE ANTONIO GARCIA
NO. v.
G032739 THE SUPERIOR COURT OF ORANGE
 COUNTY;
 CITY OF SANTA ANA

Not for Publication

Opinion filed. Petition granted.

Moore, J.

We concur: O'Leary, P.J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 27, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G033672 DOUGLAS GEORGE EMSLIE

Order filed. Appellant having filed a request for dismissal in this court, the appeal is dismissed. The remittitur shall issue forthwith.

Sills, P.J.

CIVIL THE PEOPLE
No. v.
G033328 LEXINGTON NATIONAL INSURANCE
COMPANY et al.

Not for publication

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Sills, P.J.
 Aronson, J.

CRIM THE PEOPLE
No. v.
G031552 JOE WILLIAMS

Not for publication

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 27, 2004 (Cont'd)**

CIVIL DRINO MILLER et al.
No. v.
G030346 BENEFICIAL SERVICES, INC.

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow additional time for the panel to consider the circulating opinion. The matter is resubmitted as of this date for the period allowed by law.

Sills, P.J.

We concur: Bedsworth, J.
 Aronson, J.

CIVIL JO MARIE CAMPAS
No. v.
G032889 THERESA TRADER

Not for publication

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
 Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 28, 2004**

CIVIL JAMES BENSON
No. v.
G030956 KWIKSET CORPORATION et al.

Order filed. The petition for rehearing is denied.

Rylaarsdam, J.

I concur: Bedsworth, J.
I would grant the petition: Sills, P.J.

CIVIL MYUNG WOO NAM
No. v.
G032269 HYUNG DO MIN et al.;
 FELIPE LOPEZ et al.

Order filed. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated so as to permit the parties to submit supplemental briefing as requested herein. The parties are requested to file supplemental briefs addressing the application to this case of the recently decided Supreme Court opinion in *Kirkeby v. Superior Court*. The supplemental briefs are due by August 13, 2004. Parties may reply by August 20, 2004. On August 23, 2004, the matter shall be resubmitted for the period allowed by law.

Rylaarsdam, Acting P.J.

I concur: Fybel, J.

CIVIL JEREMY SEGURA
No. v.
G032963 THE SUPERIOR COURT OF ORANGE
 COUNTY;
 CITY OF IRVINE

Not for publication

Opinion filed. Petition denied.

Moore, J.

We concur: O'Leary, Acting P.J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 28, 2004 (Cont'd)**

CIVIL	JOHN PAUL MILLER	Not for publication
No.	v.	
G033597	THE SUPERIOR COURT OF ORANGE COUNTY; CITY OF COSTA MESA	

Opinion filed. Petition denied.

Moore, J.

We concur: O'Leary, Acting P.J.
Fybel, J.

CIVIL	HAUSMANINGER BENOE LANG
No.	ALFORD & GESELOWITZ
G034165	v. PAYCHEX, INC.; VINCENT PINNONE

Order filed. Appellant Hausmaninger Benoe Lang Alford & Geselowitz having filed an abandonment of appeal in superior court on July 26, 2004, the appeal is dismissed as appeal #1. The cross-appeal of Vincent Pinnone shall remain in full force and effect.

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 29, 2004**

CIVIL JAMES BENSON
No. v.
G030956 KWIKSET CORPORATION

Order filed. On the court's own motion, and for good cause, rehearing in this matter is granted.

Rylaarsdam, J.

We concur: Sills, P.J.
 Bedsworth, J.

CIVIL M. STEPHEN COONTZ et al.
No. v.
G030959 CHARLES F. COOK et al.

Order filed. Pursuant to California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law to allow additional time for the preparation of the court's opinion.

Sills, P.J.

We concur: Rylaarsdam, J.
 O'Leary, J.

CRIM THE PEOPLE
No. v.
G030976 KENNETH MYLES KUBIN

Not for publication

Opinion filed. Judgment affirmed as modified.

Aronson, J.

We concur: O'Leary, Acting P.J.
 Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 29, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G031149	GERARDO PALOMINO	

Opinion filed. Judgment reversed and remanded.

Aronson, Acting P.J.

We concur: Fybel, J.
 Ikola, J.

CIVIL	WALTER T. DAVEY, JR. et al.	Not for publication
No.	v.	
G031454	JAMES WATSON et al.	
G031744		

Opinion filed. Judgment affirmed as modified.

Fybel, J.

We concur: Sills, P.J.
 Rylaarsdam, J.

CRIM	In re JOE WILLIAM
No.	v.
G032460	Habeas Corpus

Order filed. On the court's own motion and for good cause, the submission order in case number G032460 is vacated. It is ordered that respondent to Show Cause before the Orange County Superior Court, Dept. 1, located at 700 Civic Center Drive West, Santa Ana, California, at the time and place designated by that court, why relief should not issue. The clerk of this court is directed to transmit this court's original file in case number G032460 to the superior court.

Bedsworth, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 29, 2004 (Cont'd)**

CIVIL	MICHAEL PHAN	Not for publication
No.	v.	
G032654	CALIFORNIA EQUITY AND LOAN	

Opinion filed. Judgment reversed and remanded with directions.
Bedsworth, Acting P.J.

We concur: Fybel, J.
Ikola, J.

CIVIL	SMART ELECTRONICS & ASSEMBLY INC.	Not for publication
No.	v.	
G032747	COMTEL ELCETRONICS, INC. et al.; UPS CAPITAL CORPORATION	

Opinion filed. Judgment affirmed.
Aronson, J.

We concur: Bedsworth Acting P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 29, 2004 (Cont'd)**

CIVIL	BRAD H. BECKER
No.	v.
G033637	CRAIG SMITH et al.

Order filed. Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed pursuant to Rule 17(a)(1).

CRIM THE PEOPLE
No. v.
G031791 JEFFREY WAYNE MINOR
G031792

CRIM THE PEOPLE
No. v.
G031802 JOSE A. JIMINEZ

CIVIL	COUNTY OF ORANGE
No.	v.
G032179	JACK R. ANDERSON

CRIM THE PEOPLE
No. v.
G032348 CHRISTINA B.

We concur: Bedsworth, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
July 30, 2004 (Cont'd)**

CRIM	THE PEOPLE
No.	v.
G032702	ANNA MARIE MORGAN

Order filed. Pursuant to California Rules of Court, rule 23(e)(1), submission of the above matter is vacated. Appellant is invited to file a supplemental brief by August 27, 2004. Respondent may file a supplemental brief by September 16, 2004. Appellant may reply by September 27, 2004. The cause will be resubmitted thereafter for the term permitted by law.

Sills, P.J.

CIVIL	HILLSBORO PROPERTIES et al.
No.	v.
G034024	CHARLES KREGLO MARTIN

Order filed. Appellant's motion to vacate the dismissal order and reinstate the appeal is granted. The dismissal is vacated and the appeal is reinstated. The clerk of superior court is directed to accept the copy of appellant's application to the Court's Reporters Board for payment, or the fees due for preparation of the court's reporter's transcript. If appellant fails to deliver either a copy of the application or the fees by August 16, 2004, the appeal will be dismissed. Appellant's request for appointment of counsel is denied.

Sills, P.J.